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**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JESSICA DENISE MANZO**  
**615 17th Street**  
**Richmond, CA 94801**  
**Pharmacy Technician Registration No. TCH**  
**131575**

Respondent.

Case No. 5811.

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 13, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5811 against Jessica Denise Manzo (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 20, 2013, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 131575 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5811 and will expire on May 31, 2017, unless renewed.

1  
2 3. On or about July 8, 2016, Respondent was served by Certified and First Class Mail  
3 copies of the Accusation No. 5811, Statement to Respondent, Notice of Defense, Request for  
4 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
5 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
6 is required to be reported and maintained with the Board. Respondent's address of record was  
7 and is:

8 615 17th Street  
9 Richmond, CA 94801.

10 4. Service of the Accusation was effective as a matter of law under the provisions of  
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
12 124.

13 5. Government Code section 11506(c) states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
15 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
16 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
17 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
18 discretion may nevertheless grant a hearing.

19 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
20 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5811.

21 7. California Government Code section 11520(a) states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense . . . or to appear at  
23 the hearing, the agency may take action based upon the respondent's express  
24 admissions or upon other evidence and affidavits may be used as evidence without  
25 any notice to respondent . . . .

26 8. Pursuant to its authority under Government Code section 11520, the Board finds  
27 Respondent is in default. The Board will take action without further hearing and, based on the  
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 5811, finds that

1 the charges and allegations in Accusation No. 5811, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 9. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$1,983.75 as of August 12, 2016.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Jessica Denise Manzo has  
8 subjected her Pharmacy Technician Registration No. TCH 131575 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
11 Registration based upon the following violations alleged in the Accusation which are supported  
12 by the evidence contained in the Default Decision Evidence Packet in this case.:

13 a. Respondent is subject to disciplinary action under section 4301, subsection (f), of the  
14 code in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or  
15 corruption. From about September 2013, until December 2013, Respondent stole approximately  
16 89 bottles of 100 count Norco from her employer CVS.

17 b. Respondent is subject to disciplinary action under section 4301, subsection (j), of the  
18 code in that Respondent violated the laws of California concerning controlled substances. From  
19 about September 2013, until December 2013, Respondent stole approximately 89 bottles of 100  
20 count Norco from her employer CVS. Respondent possessed Norco in violation of Business and  
21 Professions Code section 4060 and Health and Safety Code section 11350. Respondent gave the  
22 Norco to another in violation of Business and Professions Code section 4059, subsection (a).

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 131575, heretofore issued to Respondent Jessica Denise Manzo, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on October 31, 2016.

It is so ORDERED on September 30, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

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DOJ Matter ID:SF2016200550

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(JESSICA DENISE MANZO)

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
4 State Bar No. 226937  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 355-5437  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:  
11 **JESSICA DENISE MANZO**  
12 **615 17th Street**  
13 **Richmond, CA 94801**  
14 **Pharmacy Technician Registration No. TCH**  
**131575**  
15 Respondent.

Case No. 5811

**ACCUSATION**

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about June 20, 2013, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 131575 to Jessica Denise Manzo (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on May 31, 2017, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.



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"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

..."

7. Section 4059 of the Code states:

"(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

..."

8. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.



1 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
2 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs  
3 and devices."

4 9. Health and Safety Code section 11350 provides, in pertinent part, that: "...every  
5 person who possesses... any controlled substance classified in Schedule III, IV, or V which is a  
6 narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or  
7 veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail  
8 for not more than one year..."

#### 9 COSTS

10 10. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
11 administrative law judge to direct a licentiate found to have committed a violation or violations of  
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
13 enforcement of the case.

#### 14 DRUGS INVOLVED

15 11. Norco is the brand name for a compound containing acetaminophen (aka APAP) and  
16 hydrocodone, a Schedule III controlled substance as designated by Health and Safety Code  
17 section 11056(e)(4) and dangerous drug as designated by Business and Professions Code section  
18 4022. The compound is also known generically as Hydrocodone with APAP. Norco is a narcotic  
19 drug. Products that combine hydrocodone with non-controlled substances are also called  
20 hydrocodone combination products. Effective October 6, 2014, hydrocodone combination  
21 productions were rescheduled at the federal level from Schedule III (21 C.F.R. §  
22 1308.13(e)(1)(iii) and (iv)) to Schedule II (21 C.F.R. § 1308.12(b)(1)). This includes  
23 Hydrocodone with APAP drugs. At all time relevant to this accusation  
24 Hydrocodone/Acetaminophen was a schedule III controlled substance.

#### 25 FIRST CAUSE FOR DISCIPLINE

26 (Diversion of Controlled Substances)

27 12. Respondent is subject to disciplinary action under section 4301, subsection (f), of the  
28 code in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or

1 corruption. From about September 2013, until December 2013, Respondent stole approximately  
2 89 bottles of 100 count Norco from her employer CVS.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Possession/Furnishing of Controlled Substances)

5 13. Respondent is subject to disciplinary action under section 4301, subsection (j), of the  
6 code in that Respondent violated the laws of California concerning controlled substances. From  
7 about September 2013, until December 2013, Respondent stole approximately 89 bottles of 100  
8 count Norco from her employer CVS. Respondent possessed Norco in violation of Business and  
9 Professions Code section 4060 and Health and Safety Code section 11350. Respondent gave the  
10 Norco to another in violation of Business and Professions Code section 4059, subsection (a).

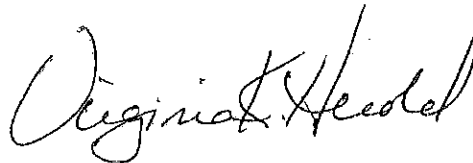
11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Board of Pharmacy issue a decision:

- 14 1. Revoking or suspending Pharmacy Technician Registration Number TCH 131575,  
15 issued to Jessica Denise Manzo;
- 16 2. Ordering Jessica Denise Manzo to pay the Board of Pharmacy the reasonable costs of  
17 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
18 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20
- 21

22  
23 DATED: \_\_\_\_\_

6/13/16



24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

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